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The Opinion

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11-1982

## The Opinion – Volume 25, No. 2, November 1982

William Mitchell College of Law

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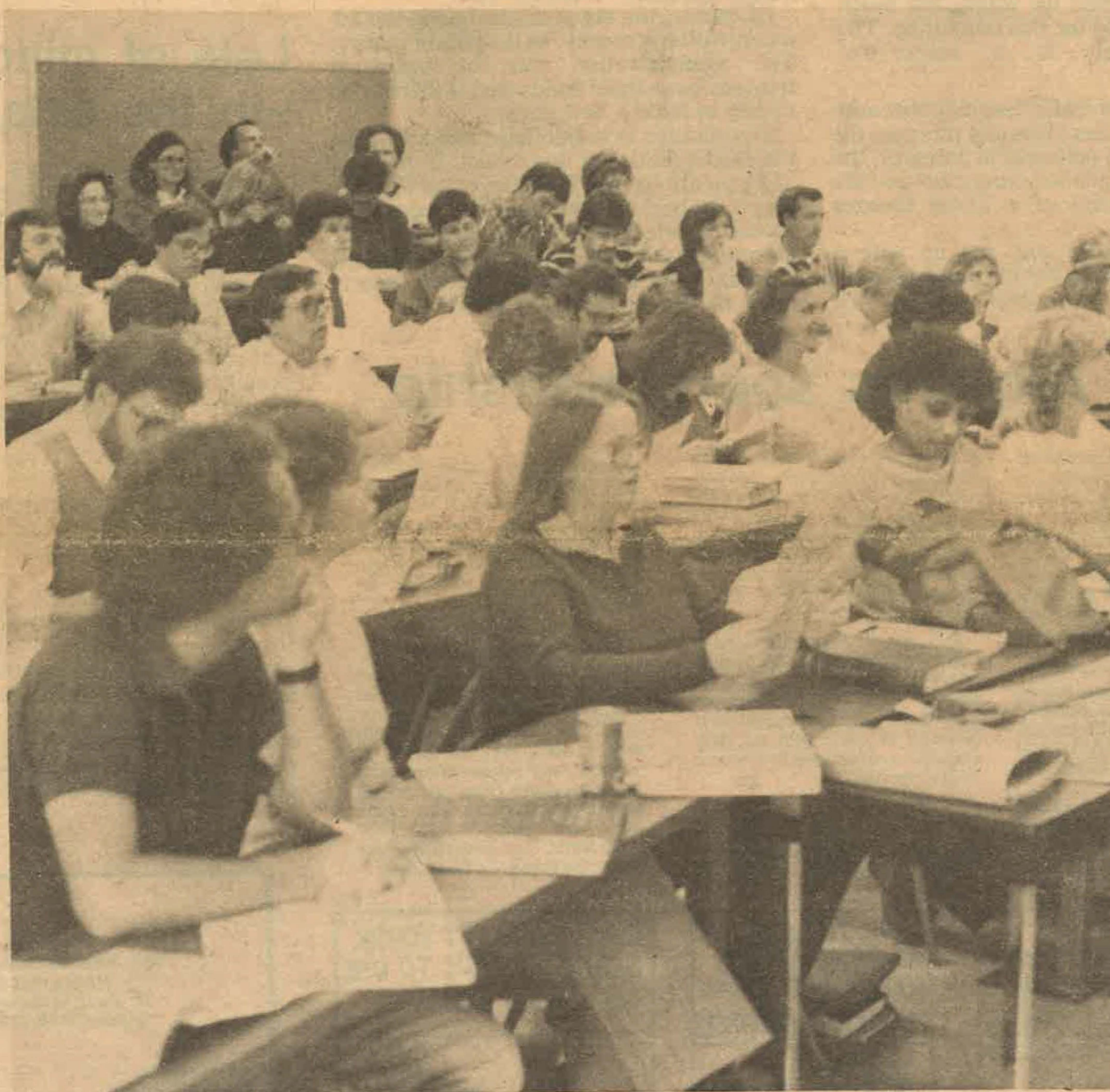


# The Opinion

Published by the Student Bar Association  
of William Mitchell College of Law

November 1, 1982

Volume 25, Number 2



## Recruiting minorities at William Mitchell

... page 6 and 7



# Editorial

## Library is an embarrassment to college

There is no doubt that William Mitchell College of Law offers a unique study program that is more flexible than the programs of the other two law colleges in this area. Mitchell also offers programs that interact with the "real world" of law and that concentrate on getting the student's legal feet wet before he or she is cast out upon graduation.

This school does indeed offer many good things to its students, things its students should be proud of.

However, Mitchell's sub-standard law library is responsible for wiping out much of the student pride for this institution. The library, in fact, is a source of embarrassment.

The library is an embarrassment because it has the cheerfulness of a city morgue, the convenience of an outhouse in January, the air-flow of an abandoned mine shaft and the logical arrangement of a Three Stooges movie.

Students must not only put up with a library that fails as a library, but must also migrate to the two other college law

libraries to study. This migration takes place in great numbers, to the extreme embarrassment of this college.

The board of trustees and the administration must recognize that this source of embarrassment must be removed, and soon.

A few wobbly steps have been made by the administration to improve the library by a "Quick!-Move-some-rooms-and-chairs-around-to-fit-ABA-standards" scheme. But that is like covering a gangrenous sore with a Band-aid; the school may look better, but the problem doesn't go away. It gets worse.

Of course, the big problem facing the administration is money, or the lack of money. The administration and the board of trustees have their hands tied if there is no money to build a new library.

The solution is to publicize and advertise the good qualities of this school. If the legal and educational worlds believe that this college is the best of its kind and has something special to offer, it should be easy to solicit private donations to a library fund. Student organizations should help in this effort; after all, it's for their own benefit.

Mitchell is a great institution in its own opinion, and, if the library problem is remedied, that opinion won't be hard to impress upon institutions and individuals outside of the law school.

A new library might create initial financial hardships for this college, but both the college and the students will benefit from a new library. Then comments made by a soon-to-be graduated student, who said, "I try to hide the name of the law school I graduated from on my resume," would disappear. — S.P.

## Lots of minorities —in the catalog

From looking at the new William Mitchell catalog, an outsider would get the idea that there are more black students at Mitchell than there are. This misrepresentation underscores a very real problem here at Mitchell: a lack of concern by the administration and a lack of commitment toward minority recruitment.

If one of the purposes of a law school is to prepare future lawyers to be in the vanguard of the social order, than certainly the administration needs to make a firm commitment toward a representative law-student population. Mitchell needs a full-time minority recruiter who is a professional, not a WASP secretary who is given the job "Oh, by the way..." to cover minority recruitment.

And once Mitchell has successfully recruited more minority students, it needs to ensure that they'll stay. Given the changes in the guaranteed student loan program and the financial crunch most students feel, it's easy to see why some students may give up, especially with an administration that has shown a lack of concern proportionate to the need.

— J.A.

## Sports requires sportsmanship

To the editor: While attending a recent William Mitchell intramural football game, I had the unpleasant experience of witnessing a near fight between members of opposing "touch" football teams. It quickly brought to mind the number of incidents of this nature that occurred during the summer intramural softball league.

For those previously unaware, William Mitchell does indeed have intramural sports. Football is now in full swing, with basketball available in the winter and co-ed softball in the spring and summer.

Generally, there are two kinds of individuals who participate in these sports. There is the kind who like to get out and enjoy

some exercise and have a good time. They make up about 90 percent of the total. Then there's the kind who are out to win at all costs and refuse to accept defeat. Invariably they are the ones antagonizing the opposition and creating the tensions that disrupt the game.

One can imagine that these fellows will one-day be successful attorneys if they maintain this present attitude, but I suspect that they won't be much of a pleasure to work with, as they certainly are not a joy to compete with or against.

There were a number of times this summer that these supposed leaders of tomorrow effectively

replaced good sportsmanship with feelings of animosity between opposing softball teams. I saw it again on a recent Saturday, when tempers flared over something as serious as holding while attempting to block in football.

What's the solution to the problems? Lighten up, guys; have some fun out there. It's not the Sugar Bowl, and your mom's not watching. If you can't deal with defeat, don't play the game! If you can only release those pent-up aggressions from law school with physical abuse, stay home and beat your wife and/or girlfriends. Let everybody else enjoy the game. — Tom Lowe



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The Opinion will endeavor to consider fully and thoughtfully all material to determine its relevance and appropriateness before publication. Such consideration will be made with the assumption that freedom of the press within the law school is no less a fundamental right than outside the law school, and in view of the Opinion's recognized responsibility to the members of the student bar, practicing attorneys, and faculty and administration of the law school. The opinions expressed in this publication are those of its editors and do not reflect the opinion of William Mitchell College of Law, its employees, or Board of Trustees.



# Top of the News

## No plans to improve 'inadequate' library

By Steve Patrow

Students, school administrators, faculty members, the board of trustees and a consultant all agree that the library at William Mitchell College of Law is inadequate to support the student population.

But even though this concern exists, no major library development is planned for the next year to two years.

A library inspection report filed by consultant Christine Anderson stated, "The physical plant of the library is ugly, unpleasant, uncomfortable and a hindrance to service and use."

That report also stated that the library should undergo major renovation and expansion in the near future and that some major changes, such as student seating and shelf reorganization, should be made immediately.

The library violates American Bar Association standard 704 which requires one or more enclosed conference rooms in law libraries. This violation could cause the college to lose its accreditation when the ABA inspects the school next spring.

Mitchell's library provides no conference rooms. Student seating and study areas are also in violation of ABA standards.

Mitchell's library director, Madeleine Wilkin, addressed a four-page memorandum to senior administrators outlining 10 major problems with the library, including inadequate desk space, "deplorable" microform-user facilities, lack of air-conditioning, general lack of expansion space and inadequate reserve-room space.

Wilkin said that some of those problems have been dealt with by the administration, such as the moving of the reserve-book room to the former smoking room, but that many improvements must yet be made.

"We're starting the process of working on a long-range plan for the library," Wilkin said. "It should be out sometime in January."

Part of that plan should include plans for a new library wing, Wilkin said. She said a new wing would cost \$4 million to \$5 million.

"The administration has expressed support for library development," Wilkin said. "I hope the administration is dealing in good faith."

Associate Dean Robert Oliphant said the administration is aware of student frustration with the library and that Mitchell needs a new library.

"We are very sensitive to student positions on the library," Oliphant said. "However, I think we want to be careful not to build a white elephant. The decision to launch a major capital-expenditure plan lies with the board of trustees. It will be at least 18 to 24 months before there is at least some renovation of the building."

Oliphant said a new library wing would cost \$10 million to \$12 million. He said, however, that the library would be in conformance with ABA standards by spring. Conference rooms and a smoking room will be available in what is now called "Haugen Hallway," the first-floor corridor now occupied by Prof. Phebe Haugen and the campus security

office.

Other cost considerations are involved besides the library plan, Oliphant said. He said student finances may be a problem in the future if the student loan program is discontinued by the federal government. He said the shaky future of the program may divert board priorities from the library to providing money for student loans.

Charlton Dietz, president of the board of trustees, said the board is also aware of library problems, but that money for renovation or building additions is a question in need of careful study. He said lack of money is the main problem and that students should not be expected to suffer tuition hikes for a new library.

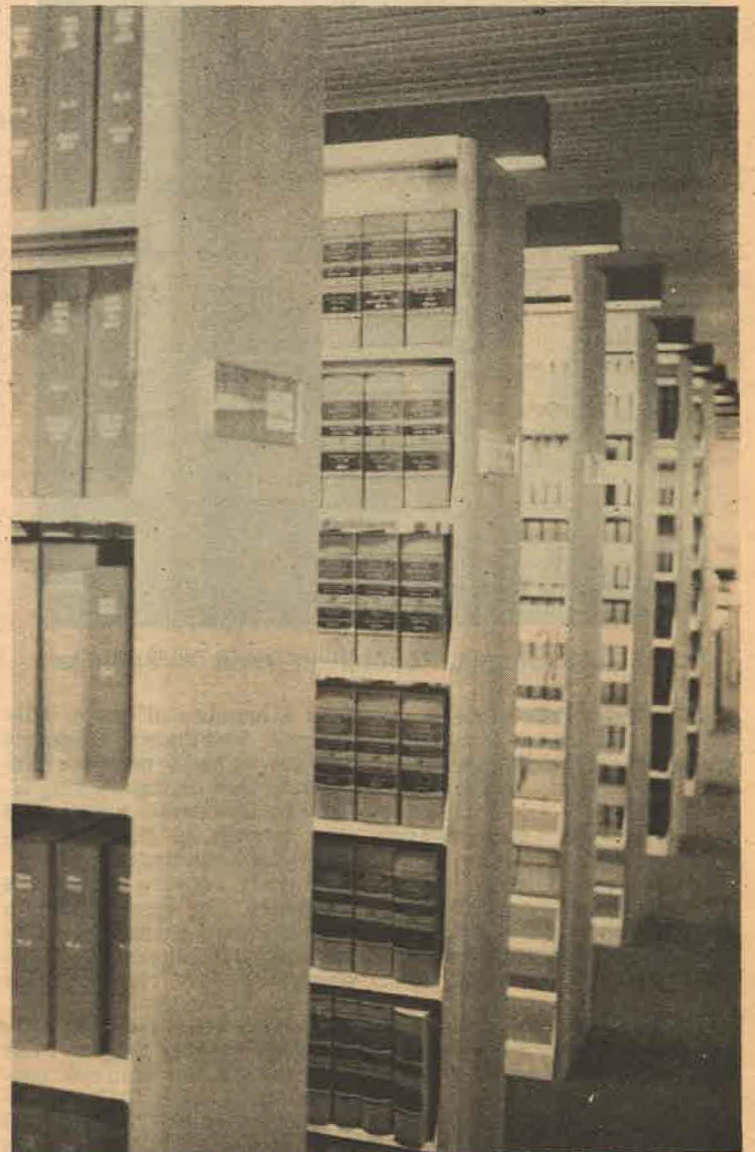
"Our board of trustees philosophy is to keep student tuition low and the student population near what it is now," Dietz said.

Many students say they believe that the library is a major priority for development. Kathy Heaney, a first-year student, said that when she considered attending Mitchell, the library was not a major influence in her decision. She said that would not be the case now if she had known of the library facility.

"It wasn't initially a major consideration in deciding to come here," Heaney said. "Now I know I should have looked more closely. When I first saw the library, it looked like a renovated junior high. I'm always at the Hamline library; I go to the university (Minnesota) library, too."

The emigration of Mitchell

Continued on page 9.



Shelves like these, at Hamline, are proposed for Mitchell's library.

## New state DWI law is subject of controversy

By Jeanne Anderson

Major changes in the state's law on driving while intoxicated (DWI) have been the subject of much controversy among groups around Minnesota.

The new law, approved March 19, 1982, and sponsored by state Sen. Jack Davies, requires license revocation for a period of not less than 30 days for the first

offense. The revocation period for the second offense within five years is not less than 90 days. The first offense is a misdemeanor; the second within five years is a gross misdemeanor.

After accidents, the police may arrest for DWI without a warrant upon probable cause even if the violation was not committed in an officer's presence.

Evidence from an evidentiary

test within two hours of violation is considered to be the alcohol concentration at the time of the violation. Evidence of the absence of a blood, breath or urine test is admissible in prosecution without comment.

According to Davies, a Minneapolis DFLer, drivers can lose their licenses for a period of six months for refusing to submit to evidentiary tests. "You have to

take the test or pay the consequences," he said.

One group that had an impact on getting last session's legislation passed is Mothers Against Drunk Drivers (MADD). The group is composed of victims, survivors and concerned citizens.

Sue Abercrombie, president of the Metro Chapter of MADD, said the group's reaction to the new DWI law was mixed.

"Everyone was delighted to see that at least something was done," Abercrombie said. The group is currently pushing for legislation to change the drinking age in Minnesota to 21.

Davies said that increasing the drinking age is a proposal he has supported for many years. "I think this would be more effective than anything else," he said.

"There is a very serious problem with new drinkers and new drivers. There is a significant difference between the de-facto and de-jure drinking age. If the drinking age was 21, people would have a chance to get experience driving before drinking."

Davies said that 34 percent of drunken drivers are under the age of 21. DWI accidents are down in states that have increased the drinking age, with the exception of one, Davies contends.

The drinking-age issue is likely to come up again this session, Davies said. "It's got a good chance of passing. It's a very-much alive issue."

Another change in the DWI law is that license revocation becomes effective at the time the commissioner or peace officer acting on his behalf gives notice. A person may request an ad-

ministrative review by the commissioner or his agent at any time during the revocation. The revocation itself may not be continued or extended, and petition for judicial review of revocation may be filed any time within 30 days.

There is some question whether the new law will clog the courts and increase costs to counties. Some officials say they fear that the cost will increase 35 to 50 percent when police start bringing in the 33,000 people arrested annually on DWI charges.

Davies said the new law will reduce some of the loopholes and technicalities that could cause delay. "Fewer technicalities make it administratively simpler. People used to challenge simply to delay because they could still drive during the period up to conviction."

One temporary hitch in enforcement of the new DWI law developed early last month, when Judge Lawrence Gallagher of

Continued on page 9.



Edina police officer Mike Nibbe observes a field sobriety test of a driver.

## Correction

A table accompanying an article on a proposed new Minnesota intermediate appellate court in the last issue misrepresented the record of the Minnesota Supreme Court in deciding cases filed with it.

All cases filed with the court were decided. Cases listed as "decided" in the table were those decided with a written opinion.



# Dayton emerges as credible DFL candidate



For the U.S. Senate, Republican David Durenberger. . .

**Editor's note:** The following article was supposed to be a half of a two-part exposition of the views of the two major-party candidates by Republican Sen. David Durenberger.

Durenberger's press aides were unable to arrange an interview with the senator, however, and Durenberger himself did not return *The Opinion's* calls.

Durenberger's staff did, however, send a picture of the senator, which we herewith run in place of an interview.

- By Scott Mayer

When Mark Dayton first said he wanted to be Minnesota's next U.S. senator, he faced an obstacle not particularly common to a candidate seeking office for the first time.

As a member of one of Minnesota's best-known corporate families, he had to convince Minnesotans that he was seeking office as a Democrat. A Democrat who believes in reducing corporate tax advantages.

Partially because of that, his candidacy was greeted with a general lack of concern by many Durenberger supporters, who considered their senator safe from all challengers.

Now, two years later, that has changed. Mark Dayton has emerged as the political candidate most other DFL office-seekers are rallying around, and polls now indicate that a close election is likely. Dayton says he is particularly pleased with the Minnesota Poll findings. Released earlier this month, the study indicated that among all those polled, Dayton is trailing

Durenberger by only four percentage points.

What accounts for Dayton's new-found strength? If you ask Dayton, he'll tell you that it's because he is taking a stand on issues that are of major concern to Minnesotans, and that the majority of Minnesota residents find themselves agreeing with his positions. According to Dayton, that is particularly true with his economic agenda, which he says he feels is the primary concern facing Minnesotans.

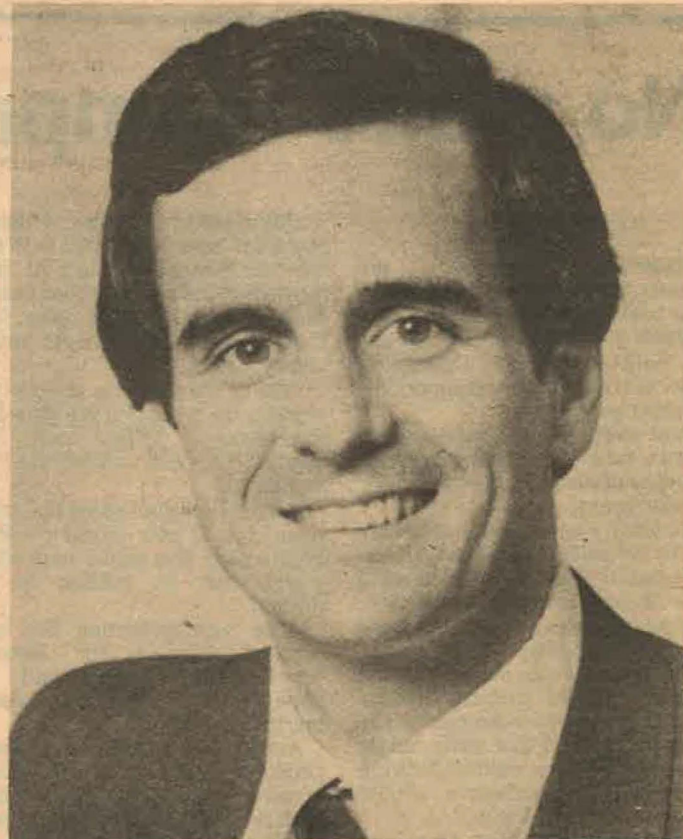
"There are a variety of economic troubles today, depending on who you are and what you do," Dayton said, "and for middle- and low-income people, the issue is economic survival." According to Dayton, "We need to expand the economy in general to provide for more jobs. Despite all of the rhetoric of the current administration, we have the highest level of government spending as a percentage of the gross national product in history."

"There's been a transfer of dollars from social and domestic programs to the dangerous escalation of nuclear warfare and military spending. That's combined with a tax cut that gave far too much to the wealthy and corporations. This has produced a large federal deficit and interest rates that stand in the way of business expansion and new job creation."

To boost the economic outlook, Dayton outlined three major proposals that he says must be implemented on a national level.

"First, we need to eliminate tax loopholes which benefit only the wealthy and large corporations. Second, we need to cut military spending and push for a nuclear freeze, and finally, we need to cut government spending, not in the areas of education, social security and child nutrition, but in areas that only benefit corporate interest."

But even if there is agreement that Dayton's proposals look good on the surface, not everyone is buying them. Criticism has been leveled at Dayton's economic agenda by those who charge that it's just a repetition of old



. . . faces DFL challenger Mark Dayton Tuesday.

Democratic ideas that don't work anymore.

Dayton repudiates this charge, saying, "This is a new Democratic agenda that starts with the fact that we now have a conservative Republican administration that has produced the most irresponsible federal deficit in our nation's history."

"I'm talking about fiscal responsibility, targeting tax relief to small businesses, which provide eight out of 10 new jobs, and eliminating tax deductions for corporate mergers and acquisition, which just draw capital and don't provide new jobs."

Dayton says he believes that the people who are going to benefit most from his economic proposals are those in the low- and middle-income groups. Recent polls indicate that the majority of Minnesota people also

believe that.

Dayton says he feels that recent political attacks by the Durenberger camp are an indication of his campaign's increasing strength.

"The attacks show they are scared, and don't seem to want to talk about the real issues that I've made a part of this campaign. They know I've got a good chance of winning."

**NEXT  
OPINION  
DEADLINE  
NOV. 12**

## Law review to discuss insanity defense

The insanity defense, the rights and duties of the press and Minnesota's controversial worker's compensation system are the subjects of articles in the next issue of the William Mitchell Law.

The forthcoming issue will be the first number of Volume VIII, the volume for the 1981-82 school year. In all, Volume VIII will consist of three issues.

The volume covering the current school year is Volume IX. Its editors hope to publish that volume's three or four issues before the beginning of the 1983-84 school year, according to Editor-in-Chief Michael J. Fairchild, a fourth-year Mitchell student.

If all of Volume VIII is in print by then, Fairchild said, the first issue of Volume IX will be published next January.

The insanity defense is the focus of two articles in the first issue of Volume VIII. In one, Stephen Rathke, Crow Wing County attorney and president of

the County Attorneys' Association, advocates abolition of the insanity defense.

Although several states that attempted to abolish the defense were overruled by the courts, Rathke contends, abolition would be constitutional if evidence of insanity were admissible when intent is at issue. Insanity, he argues, is relevant only to the issue of intent, and evidence of it should be admitted only when a defendant claims to have the lacked the intent necessary for commission of a crime.

A student note in the next issue takes a different position. It calls for permitting juries to issue verdicts of "guilty but mentally ill." Such a verdict, the note argues, would allow juries to ensure that an insane defendant would receive needed therapy, but would still protect society by requiring the defendant to complete his or her sentence after treatment.

The issue of the press is treated in the next issue of the law review

by former Minnesota Chief Justice Robert Sheran. Along with an analysis of the press's First Amendment rights to gather and publish the news, Sheran's article will offer a warning: The press, he argues, must learn self-restraint or risk the imposition of restraints by courts and legislatures.

The latter, Sheran contends, whether ultimately found to be constitutional or not, would jeopardize freedom of the press and deal a blow to our free society. Consequently, he says, the press should avoid governmental restraints by adopting its own code of ethics.

Worker's compensation is the subject of an article by David Moskal, a former law review editor now in private practice in Minneapolis. His article discusses the recovery of benefits for injuries not connected with employment, which workers suffer subsequent to compensable workplace injuries.

Moskal examines the inconsis-

tent treatment of the issue by the Minnesota Supreme Court (which he served as a clerk) and proposes an approach that would provide what he contends is a more equitable and predictable result by balancing the interests of employers and employees.

Other articles in the first issue of Volume VIII will deal with the immunity of parents from tort liability for their children's actions, the discretion of school

boards to fire teachers, third-party tort liability and the liability of shareholders in a corporation.

Students who paid a fee for the law review at registration this fall have already purchased Volume VIII. Others may buy copies from the law review office. Volume IX will be on sale during registration for the spring semester.

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# Rooms shuffled to meet space needs

By Beth Culp

As part of a short-term solution to long-term space problems, a number of changes in the allocation and arrangement of space have been effected by the administration.

In an effort to concentrate student study space, the "Haugen Corridor" within the confines of the library, which is currently used for faculty office space, will be converted into conference and study areas. This move has resulted in the displacement of Profs. Phebe Haugen, Allen Hester and William Danforth.

Hester will be leaving his faculty position at the end of this semester, and Haugen and Danforth will have their offices relocated in room 316, which is currently occupied by The Opinion.

That room will be converted into three separate offices, one each for Haugen, Danforth and Prof. Paul Marino. Marino's current office space on the first floor will be used by Prof. Robert Tarbox during the spring semester, and in the fall the room will probably be converted into additional administrative office space.

The move of faculty members to the third floor will also serve the function of concentrating faculty office space.

The Opinion will continue publishing but will be located in different rooms. The caretaker's apartment, which occupies three rooms on the first floor near campus security and the law clinic, will provide space for The Opinion and will also serve as the new home of the William Mitchell Child Care Center.

The dislocation and relocation of study and office space results from serious problems. The college simply does not have enough space and the competition for available space is intense. The library, the law clinic and the child care center were eager to claim the space available in the caretaker's apartment. Senior administrators were unable to resolve this conflict, so Dean Geoffrey Peters finally made the decision in favor of the child care center.

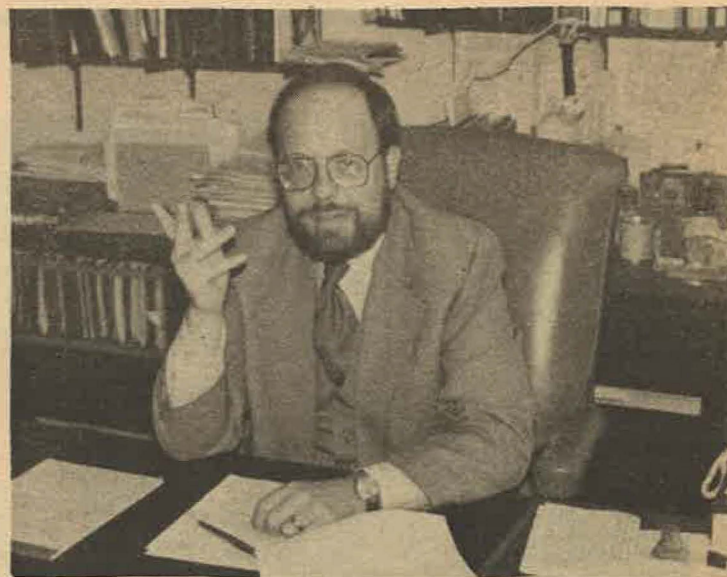
Associate Dean Melvin Goldberg said space problems were exacerbated this fall by the convergence of the two second-year full-time sections with three third-year evening sections. This situation created the need to schedule an additional section of both Trial Advocacy and Civil

Practice, he said. These courses cause a great drain on available space since rooms must be provided for small-group meetings and videotaping.

Although Goldberg said he does not expect space pressures like this to occur in the future, problems with space allocation will not disappear. Goldberg said difficulties involved in instituting the recent changes are indicative of the larger problems faced by the college, problems that can be solved only by long-term planning. He said that these plans could involve reducing the student body population in the future or adding to the college's physical plant.

Goldberg said that part of the motivation for the most recent revisions of space was the inspections scheduled this spring by the American Association of Law Schools and the American Bar Association. The moves were seen as an attempt to address some of the accreditation requirements of the AALS and the ABA, he said.

"However, there are serious and long-term space problems which have not been addressed by administrations in the past and which have not yet been addressed," Goldberg said.



Associate Melvin Goldberg

Goldberg said that recent meetings of the staff and planned meetings of the faculty and senior administrators, as well as student forums scheduled for the fall, mark the beginning of solving these problems.

For students who cringe at the thought of the cost of major capital improvements being

reflected in their tuition, Goldberg offered some words of reassurance.

"Funds for major renovations must come from non-tuition dollars," Goldberg said. "These funds will have to be the result of a major fund-raising drive after we have established our goals and priorities."

## SBA sets budget, new accounting procedures

By Steve Patrow

This year's \$15,530 Student Bar Association budget allocation and student organizations will operate under new accounting procedures.

The various organizations requesting SBA funds will get the money allocated to them, but the SBA is ensuring that these groups specify and justify their expenditures. Each organization must submit a check requisition form to the SBA for each activity expenditure. The SBA will then issue a check to the organization

for that amount — if the expenditure is within the group's planned budget.

Mike Nye, SBA treasurer, said the new request procedure will help eliminate the "shoe-box" accounting problems from previous years. He said the SBA will maintain all accounting books for the organizations, which differs from individual accounting the groups enjoyed before this year.

"At the end of the year, the SBA would just have a box full of checks and receipts from the organizations," Nye said. "Two years ago, the SBA was operating

with few books; we're now facing an audit by the Internal Revenue Service, so this accounting procedure is to ensure security."

The SBA is subsidized by student fees, approximately \$13,000 a year; the SBA vending machines in the lounge, approximately \$7,500 a year; and the Giacomo's food service, approximately \$5,500 a year.

Nye said the new accounting procedure would not restrict the control organizations have over their individual SBA allocations. The purpose of the new system is to force the organizations to "limit and define" costs, and to help coordinate facility use and eliminate speaker overlap, Nye said.

"If a group wants to get a certain speaker, other groups might have planned to get the same speaker," Nye said. By defining plans for speakers, he said, the SBA can help groups eliminate speaker overlap.

"Some of these tight budgetary controls are interpreted by some people as too strict," Nye said. "But we don't have the capacity for deficit spending; we have to use our limited resources in the most efficient manner."

The five organizations or funds receiving the most money from the SBA budget are: The Opinion, \$5,070; reserve fund, \$5,000; supplemental fund, \$5,000; program committee, \$4,000; sports (inter-mural), \$4,000.

Other organizations receiving \$2,000 or more are child care, directory development, account-

ing, smokers (dances, homecoming), SBA officer stipends and the Environmental Law Society.

Nye said the supplemental fund will most likely be spent during the academic year to supplement group cost overruns or to fund newly formed student organizations.

The reserve fund is maintained by the SBA to be available for the lag time between the end of the spring semester and the beginning of the fall semester.

"The reserve fund ensures organizations can carry on dur-

ing summer months when other money sources are gone," Nye said. "We also don't want to handcuff the board (of governors) in the future. That money will be available to them when the old budget has run out and the new budget is being formulated."

William Mitchell students will receive a new student directory sponsored by the SBA. Nye said the directory has already been sent to the printer. He said the \$2,200 allocated for the directory will be offset by \$1,200 collected by SBA member Kevin Shea who solicited advertising.



SBA President Deb Kraus, along with Treasurer Michael Nye, has put a high priority on achieving a sound budgetary system.



Vending machines in the student lounge produce revenue for the SBA.

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# Recruiting



Doris Mitchell

By Kate Satelmann

With no minority-recruitment director, a shortage of minority scholarship funds and no long-range minority-recruitment program, the status of minority students at William Mitchell is in doubt. Of the 1,130 students at Mitchell, 34 are classified as minorities. Currently, Mitchell does not have a recruitment director, minority or otherwise. Temporarily, what work is being done in this area is done by Debbie Helquist of the admissions

recruitment program currently focuses on contracting colleges and attending job fairs, as well as holding a number of open houses throughout the year. Over the past two years efforts have been made to increase the number of colleges visited. In 1980 Mitchell representatives visited five schools; last year that number increased to 20. According to Goldberg, the administration is also considering proposals for recruitment through state, local and corporate agencies to expand service to working students.

In addition, said Doris Mitchell, past president of the local chapter of Balsa (Black American Law Student Association), "a full-time minority-recruitment director would help." In the past, Balsa has taken an active role in the recruitment of minority students. "They are cognizant of the problems, and as a group they have been extremely helpful," said Goldberg. Few students, however, are able to devote the time necessary to reach untapped sources. That has lead many

## '...a matter of priorities'

office. "It's a matter of priorities," said Associate Dean Melvin Goldberg; "there are a lot of recruitment needs, minorities are just one of them." It is this issue of priority setting that causes the most concern among students. "Minority recruitment is a commitment," said third-year student Shirley Vanier "Students and faculty must decide if learning about other cultures is important." Mitchell's minority-

Yet these methods reach only a portion of Minnesota's minority community. "Recruiters need to reach out to community and minority agencies, instead of relying on colleges, if they want to reach the Indian students," said first-year student Ramona Jones. Others say the problem is more fundamental — and the solutions are not easy. "We need to strategize, to research the needs of minority students and discover what Mitchell can offer," said Vanier.

minority students to suggest that Mitchell hire at least a part-time minority recruiter. "Ideally," said Doris Mitchell, "a minority student should be used in the recruitment position." Vanier, however, expressed some concern about this idea. "It is important that the position not be underrated. In other schools the position of minority recruiter is prestigious - I don't want to see it put down." But it is clear that the ad-

Minority Student Figures, 1979-1982*				
	1979-1980	1980-1981	1981-1982	1982-1983
Black	8	12	11	20
Asian	6	8	9	7
Am. Indian	0	0	2	4
Hispanic	1	1	4	3
TOTAL	15	21	26	34

\*All figures were obtained from the records office.



Shirley



Ramona Jones



# minorities



Black and other minority students attended a recruitment session at William Mitchell last spring, but few of those in attendance enrolled at the college.

ministration has no immediate plans to create a recruitment position at Mitchell. "We have to analyze what the needs are for the entire recruitment area. I don't know if we have the resources," said Goldberg. But, he went on, "if anyone has any ideas regarding ways to improve recruitment, we are

can hurt minority recruitment. "If minorities are unable to make it through, it discourages others looking at the school," said Ramona Jones. Thus one of BALSAs main objectives is to aid incoming black students in adjusting to law-school life. But problems still exist. The small number of minority

sitive to people who are different."

One way to reduce the pressure of law school is to provide financial aid to those minority students who are in need. This year, for the first time, an organized effort is being made to solicit minority scholarship funds. A minority

raise the remaining \$5,500. We foresee no problem in raising this additional amount."

The administration has nothing to do with the distribution of these funds once they are obtained. "All scholarships are authorized through the scholarship committee, and awards are made on the basis of

## '...this is a budget question'

always interested."

Doris Mitchell was critical of this position: "BALSAs will be making specific proposals to the administration; they're always willing to listen and talk, but there's no actual sign of improvement."

Closely tied with the problem of minority recruitment is the problem of retention of minority students. High attrition rates

students means high visibility in class. "This higher visibility creates more pressure," said Vanier. For example, said Vanier, "one time a professor walked into the classroom; he didn't know if he had the right class. Then he saw me and said, 'Oh, there's Ms. Vanier I must be in the right class.' We don't come expecting special favors, but people need to be more sen-

scholarship proposal, containing information about the college, is being sent to foundations around the country. "Sixteen thousand dollars excluding American Indian scholarship funds, has already been awarded to minority students" said Davis Shryer, Mitchell's financial aid officer.

"Of this \$16,000, \$10,500 has already been raised, and we have sent out the proposal to

need," said Associate Dean Robert Oliphant.

While no long-range plans have been made regarding minority recruitment students remain hopeful.

But, says Goldberg, "this is a budget question."

### On the Cover

First year evening students in Prof. Cohen's class

Photo by Scott Harr



# Plan ahead for summer and associate jobs

By Peg Riehm

The on-campus interviewing season will be winding down in November. The months of September through mid-November constitute what is termed the "recruiting season" of many of the major law firms and other major employers of law-school students and graduates. These are the employers who can predict annual hiring needs a year in advance, and thus make offers to students by December for positions beginning in the summer months of the following year.

The fact that the on-campus interviewing season is near its end should not be the cause for alarm that it tends to be for many students. The majority of employers, who are represented by small and mid-sized law firms and companies, find their business too unpredictable to make offers nearly a year in advance of employment. Those employers tend to hire on an "as-needed" basis, when a vacancy occurs — usually a month or two before the start of employment.

The best way for students to increase their marketability for permanent positions upon graduation is to obtain a clerkship while attending law school. These clerkships add a practical perspective to a law student's education, and the importance of these clerkships cannot be overemphasized. While good academic credentials are important to obtaining a position with the very large firms and corporations, and quite naturally would impress any employer, the small and mid-size firms, when hiring for an attorney position, repeatedly indicate that they are interested in applicants who have law-related experience. Any recent law school graduate who has been in the job market will confirm that experience as a law clerk is a necessary element in obtaining a desirable position after graduation.

From an employer's standpoint, the benefits of employing a law clerk are obvious: The employer can train the clerk to perform many of the tasks he or she may have been performing, thus freeing up his or her time to handle additional work and

cases, or more complicated matters. In addition, the employer can evaluate the clerk's progress and work habits for possible future employment as a practicing attorney. Even when the employer has no intention of hiring the law clerk after graduation, the experience that law clerk gained will be valuable in negotiating with other employers. A clerkship makes a law graduate infinitely more valuable, having given that person the opportunity to learn how to find the courthouse, how to

term employment is in the middle of their second year. Students in the day division are most marketable in their senior year for school-term employment, since they have fewer scheduling difficulties while attending evening classes.

To get a brief and somewhat general description of the different types of clerkships available, please not the following.

**Summer clerkships.** This area can be divided into two sections:

consider a summer clerkship a necessary requirement for obtaining a permanent position in their offices. The salaries for these summer clerkships are usually good, and they vary depending upon the firm or corporation.

(2) Clerkships held during the summer differ from (1) above in that they do not involve an established yearly recruitment drive. These include clerkships that the student has arranged with a smaller law firm, possibly an out-of-state, or some of the

research and writing. Occasionally an employer will advertise for a first-year law clerk and will train that person with the hope that the student will stay on for a few years. Salaries have been good and range in the neighborhood of \$6 to \$10 an hour, depending upon the kind of job and the number of years of law school a student has completed.

Students should take an aggressive approach when applying for these positions. Write a good cover letter when applying, and attach that to your resume. If you

## CLASS OF 1981 EMPLOYMENT REPORT

	Hamline University Law School	University of Minnesota Law School	William Mitchell
Total in Class of 1981	137	223	299
Total responding to survey	117 (85%)	208 (93%)	277 (93%)
Total employed of those responding	99 (85%)	181 (87%)	245 (88%)

Editor's note: William Mitchell's figures are compiled seven months after graduation, the University of Minnesota's after seven months, and Hamline's after six months.

research an issue, how to interview clients and witnesses, how to draft legal documents — the list goes on and on.

From the student's standpoint the experience is equally, if not more, beneficial. In addition to the aspects already set out the student gets an inside look at the practice of law and can get an idea of how a law office should or should not be run. Additionally, it affords the opportunity to meet other attorneys and establish contacts for possible future employment.

Most lawyers who hire law clerks hire students who have completed at least one year of law school, since those students have completed their coursework in legal research and writing. A good time for students in the four-year division to look for school-

(1) Summer clerkships with large firms, corporations, the Minnesota attorney general's office and many federal agencies. These employers have an annual recruitment program, and students are interviewed in the fall, generally on campus. Students who are in the second-year program or the third-year evening program are considered. Offers are made and accepted at the end of the fall interviewing season (usually late November or early December), and the summer clerkships begin shortly after classes have ended in spring semester.

A great deal of responsibility is given to clerks, and clerkships are specifically designed to identify candidates who would make good attorneys with the firm or corporation hiring them. In many cases, these kinds of employers

county offices, which will advertise through the placement office at various times of the year (generally in the spring) for openings the following summer. Application procedures vary and are outlined in the job notices.

**School Year Clerkships.** Historically, a large percentage of the students enrolled in the evening program at William Mitchell have held law clerkships during the school year. The opportunities available vary, and have included full-time and part-time clerkships with district and municipal judges in the metropolitan area, as well as positions with Twin Cities law firms, the offices of the county attorneys, legal-service agencies, businesses and accounting firms.

Requirements generally call for students beyond the first year who have acquired skills in legal

plan to apply to firms that are not advertising, research those firms first and find out which ones specialize in the area of your interest, and which ones are in the geographic location that interests you.

Follow up your letter with a telephone call if you receive no response to your application within a few weeks. Sell yourself to the firm and let it know how you can add to its practice with your skills.

The placement office maintains resource materials for student use, and our staff can offer advice and suggestions for ways to begin or improve a job search. Call or stop in at our office, Room 113, at any time. We encourage students to take advantage of our services and seek input as to ways we can improve those services.

## 'PR Program' launched is launched by SBA

The Student Bar Association has launched a "PR Program" in order to be more visible and accessible to the students at William Mitchell.

Deb Kraus, SBA president, said the main focus of the PR Program is to be available to provide a "constituent service" for students.

The five main activities that aid in the launching of the PR Program are as follows.

First, there will be a newsletter published for the students, with Debbie Kuipers as editor. The

first issue is expected shortly.

Second, there have been at least eight programs planned in which William Mitchell is being promoted as a well-established law school with more-than-competent students. The first of these programs took place in August, where attorneys from large firms were presented with facts about Mitchell students and why they should be hired.

Third, a bulletin board has been put up in the lounge area with information about the SBA.

All student organizations are urged to use this bulletin board as an additional way to getting information to students.

Fourth, a student directory is being published by the SBA, and should be out by the end of the month.

Fifth, the SBA has arranged for two student representatives to join the approximately 12 faculty committees in order to keep students more informed on all levels.

In addition to these five activities, others add to the pro-

gram. A Long-Range Planning Committee that is co-sponsored with the administration; a dance is planned to be held in November at the Sheraton; a four-week stress management seminar led by psychologist John Maniglia will begin Oct. 26 at 8:30 p.m. in Room 111; and, finally, an aerobic dance program will begin in November and continue six to eight weeks.

Additional announcements can be seen in the special section set aside for the SBA in the Docket.

## Classes elect new SBA representatives

Newly elected SBA representatives for first-year sections are: Todd Paulson, Section 1, Patricia Warfts, Section 2, Jarvis Jones, Section 3 and Tsippi Wray, Section 4.

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# Legal specialization on hold in Minnesota

By Margie Bodas

Although the recognition of legal specialists may be inevitable, that trend has not gained the support of the Minnesota Bar Association.

"Some day we will have to recognize specialization," said Elton A. Kuderer, chairman of the inactive MBA specialization committee. "Either we will do this voluntarily as an association, or it will be imposed upon us by outside groups. It may end up under the jurisdiction of the Supreme Court."

Kuderer is a William Mitchell graduate practicing in Fairmont.

Specialization of attorneys is an idea that's been considered at least since the early 1960s. The idea came up at the state bar convention in the late '60s, but it was "only considered for about 15 seconds," said Kuderer.

The issue took a back seat to attorney advertising for a few years during the 1970s. Consumers were calling for a way to find out what areas of law certain attorneys practiced. Until the

late '70s, with the advent of Yellow Page listings and advertising, specialization was a sleeping issue.

But in 1978 the specialization committee of the MBA was activated under President David Brink, who was also an officer of the American Bar Association and chairman of the national committee on specialization. That's when Kuderer took an official role. Brink named him chairman of the Minnesota specialization committee.

In 1979 the ABA prepared a model plan of specialization. The Minnesota committee studied the plan and then modified it to fit the needs of this state. This model plan was presented at the Rochester convention in 1980. There was no significant debate at that time, however, and the issue was tabled for a year, Kuderer said.

Between the 1980 and the 1981 conventions some people took an active interest in specialization. Many general practitioners and young lawyers began actively to oppose specialization, saying it

was not in their best interest.

By the time the issue came up for a vote at the state bar convention in Duluth in 1981, the bar association president could read the handwriting on the wall and said that "the time had not come in Minnesota for specialization." There was no action and no debate again, according to Kuderer. The committee has been inactive since then. The MBA president has the discretion to activate the committee at any time.

The proposed Minnesota specialization plan would establish a board of legal specialization. The board would determine the areas of law where recognition of specialists would be suitable. Public hearings would help set up rules and by-laws and specific specialization committees for designated areas of the law.

Minimum standards would be set up, similar to those proposed by the ABA. The standards deal with the number of years an attorney has been practicing, the time spent in the specialty and a

peer review (five affidavits from other lawyers or judges supporting the specialization of that attorney).

Each specialty committee could set up its own standards, including written and oral examinations. The written exams have been frowned upon by those who see the exams as another hurdle to get over after passing the bar exams.

Areas of specialization in other states include criminal, tax, worker's compensation law, civil trial advocacy and criminal trial advocacy. Traditional areas of maritime and patent law are not singled out because they are already specialized to a great extent.

Consumer groups have often been the leaders in calling for specialization.

"Consumer groups feel that there should be specialization already," Kuderer said. "They say that they don't know which lawyers are practicing in what specific areas and what competency those lawyers have in that area."

Also, with the increase of attorney advertising, Kuderer said, the legislature may decide to regulate the claims that are being made in these advertisements. The legislature will force specialization upon the bar, Kuderer said.

Some say the cost of legal services will increase with specialization. Others, however, say that lawyers will become more efficient doing a better job in a shorter amount of time. There are no empirical data to support either claim.

Specialization would probably not effect law schools, Kuderer said. The coursework is already there. It would be a question of how much time a prospective attorney would put into a specialty area.

Although the issue remains low-key in Minnesota, Kuderer said he feels that it is inevitable that some day Minnesota attorneys will recognize specialization. That recognition may come either voluntarily or it may be imposed by an outside group. Consumers will probably play a leading role in the change.



Sheriff's Deputy Gerry Winkleman administers a breath test at the Carver County jail.

## DWI

(Continued from page 3)

Waseca County ordered the use of the Breathalyzer test banned. The order was based on a memorandum from attorney Sam McCloud, quoting the Breathalyzer's manufacturer as saying that sometimes the equipment malfunctions due to radio interference. Gallagher, temporarily assigned to the district-court bench, said in his order that "all results obtained prior to conducting the requisite testing procedure are potentially inaccurate in varying degrees."

The following day the Minnesota Supreme Court overturned the ban on the use of Breathalyzers, noting that the ban was handed down before law-enforcement agencies and prosecutors had adequate time to defend the use of the machine. The breath test is the most frequently used method for determining sobriety in Minnesota.

Davies commented, "The Breathalyzer has been around a long time. It's a question of science."

## Library

(Continued from page 3)

students to the Hamline and University of Minnesota law libraries has transferred some of the Mitchell library problems to those schools.

Nicholas Triffin, Hamline law library director, said that Mitchell students have complained to his library staff about Hamline's library.

"William Mitchell students complained to us that our library was messed up, that the books weren't where they were supposed to be," Triffin said. "Then we found out the texts they were looking for were from the research study guides your first-year students use. I thought it was kind of funny that William Mitchell students complained about problems caused by other William Mitchell students in our library."

Triffin said he likes Mitchell students to use the Hamline library, but that they should respect the rights of the other students.

Mitchell library director Wilkin said the program Mitchell has with the other two university libraries that allows Mitchell students to use those facilities is a privilege not to be abused.

"We benefit more from this agreement than they do," Wilkin said. "If we behave like animals over there, they'll close their doors."

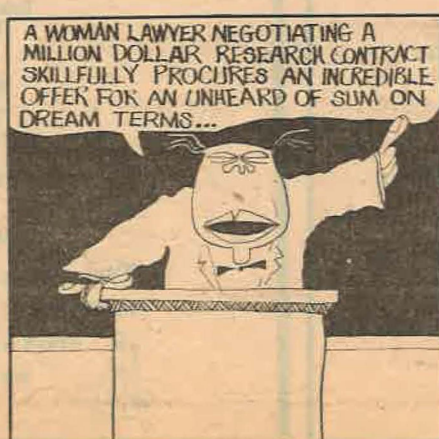
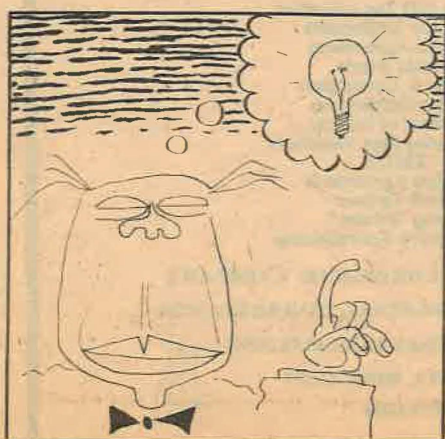
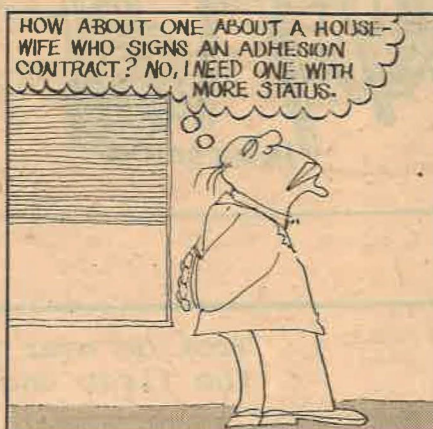
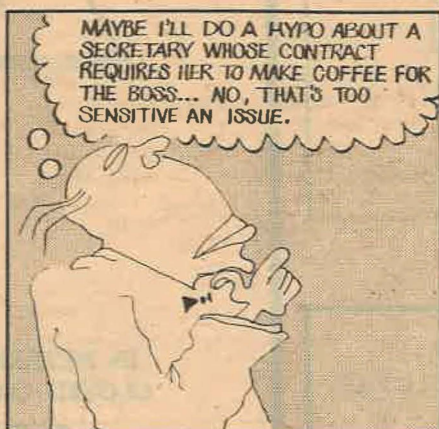
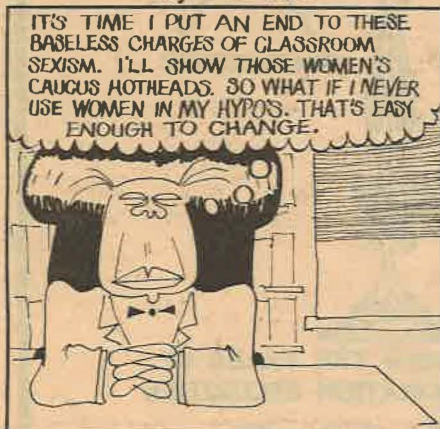
If those schools did in fact close their doors, that would compound the space problems at Mitchell, Wilkin said.

Wilkin said a renovated library would keep some of Mitchell's for not using the present facility.

Wilkin, who has worked in two other law libraries, said she thinks she has not seen a library as unpleasant to work in as Mitchell's.

## Lophole

by hal malchow



**NEXT  
OPINION  
DEADLINE  
NOV. 12**



# Equitable Relief

**Editor's note:** Equitable Relief is a new regular feature that will attempt to answer questions posed by students, faculty members or staff. Questions should be left in the box outside The Opinion office or in the newspaper's box in the Communications Center. We'll get the answers — or tell you why we couldn't.

Questions must be in writing and signed by the writer. Please indicate that the question is for the Equitable Relief column.

**Q:** I am aware of the many activities sponsored by student groups and the administration, and most of them sound interesting. They "sound" interesting, but I am not able to judge because I am not able to attend most of them. The majority of events at William Mitchell are planned for Thursday evenings at 8:30, when the 6:30 section is still in class. This seems very unfair to me that one particular section is discriminated against. I have seen no measures by the administration to correct this either. What can be done? — Deb Holtz.

**A:** Associate Dean Melvin Goldberg said that, although he had nothing to do with scheduling the meetings of the many student organization, there is a problem since many meetings cut into scheduled class time and students are unable to attend.

In response to this situation, Goldberg sent out a memorandum to all student organizations regarding scheduled meeting times. The memorandum stated: "Many student organizations schedule meetings at 8:30 p.m. on Thursday evenings. I'd like to call to your attention the fact that first-year and second-year students have classes at that time. Moreover 8:30 Thursday nights is a traditional time in which make-up classes are scheduled. When you schedule meetings at the same time some students have either scheduled or make-up classes, you effectively preclude their participation in your organization. In particular, in the case of first-year and second-year students with scheduled courses, you are not providing for them the same opportunity to participate in the activities of your group that other students in this school have."

Deb Kraus, president of the Student Bar Association, said that the SBA is "Making a very deliberate attempt to spread events over the course of the week, including weekends as well as during the day."

## Students hit in pocketbooks by loan-program changes

By Margie Bodas

Two substantial changes in the Guaranteed Student Loan Program hit William Mitchell students in the pocketbook this year.

First, a 5-percent origination fee was collected by the lender. That 5-percent fee, along with a 1-percent insurance fee, reduced the amount a student with a \$5,000 loan actually received to about \$4,500.

Secondly, a needs test required a report of 1981 adjusted gross income — including the student's spouse and, in some cases, the student's parents.

If the reported income was greater than \$30,000, a chart was used to reduce the loan amount. The needs test did consider, however, how many students in the family were going to college and other, similar family expenses.

Thirty percent of those applying for financial aid at William Mitchell were dependent upon their parents. Some people not generally thought of in that category were caught in the guidelines that declared a student dependent if: (1) he/she lived with parents for six weeks during the year, (2) he/she accepted \$750 from parents during the

year, or (3) he/she was claimed on parent's income-tax forms.

In addition, a married couple making \$33,000 with one person in school and no children probably would not qualify.

William Mitchell students may have fared better than other students around the state, however.

"We don't think it affected as many students here as at other schools," Peg Riehm of financial aids and placement said. "Not many Mitchell students are dependent upon their parents and not many students and spouses make over \$30,000."

Riehm estimated that the changes affected 10 percent of the students.

"We were expecting the worst this summer," she said. "We thought they might get rid of the whole program. People were unsure of what would happen and they couldn't plan ahead. What will happen next year is anybody's guess."

The criteria in effect this year are likely to remain, Riehm said.

Congress acted in mid-October to ensure that the Guaranteed Student Loan Program would stay around. The bill signed by President Reagan Oct. 15 ensures that the same number of students will be eligible for aid in the

1983-84 school year. The bill involves no appropriations.

The new bill requires the Education Department to submit new eligibility rules for college aid by next April. The new rules can then be vetoed by either chamber of Congress. If the department fails to produce the rules on time, Congress will simply extend the current standards into the 1984-85 school year, with an adjustment for inflation.

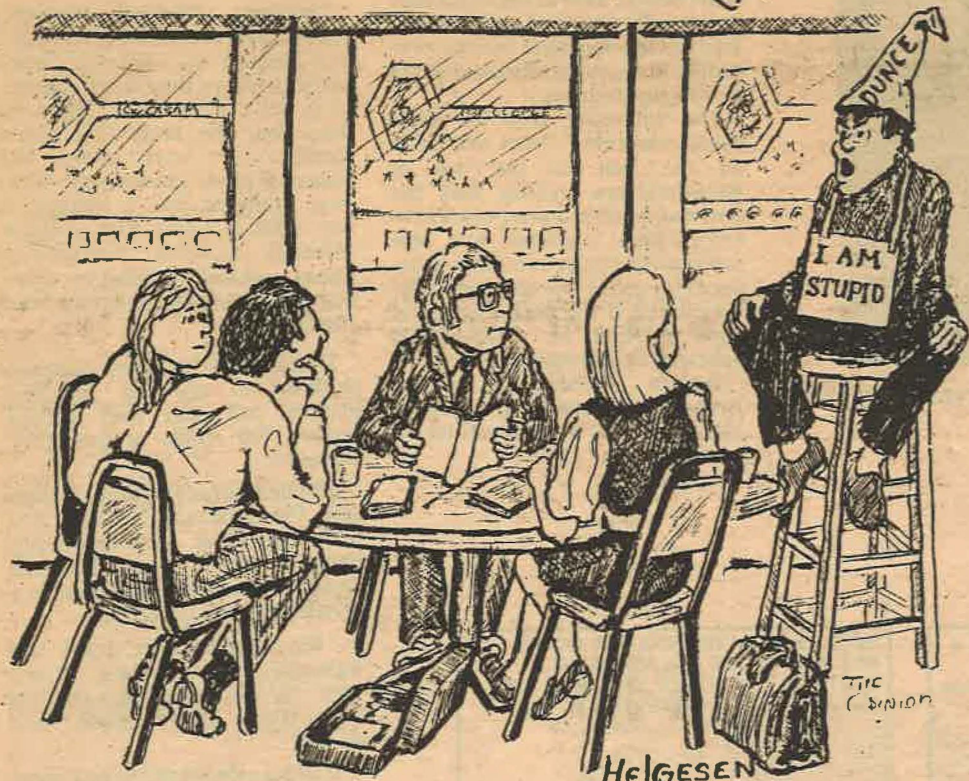
About 3.5 million students from families earning under \$30,000 will be eligible for guaranteed loans, which they would repay at 9-percent interest. Families earning more than \$30,000 are subject to the needs test that gradually reduces the size of their loans.

Reagan had proposed requiring a needs analysis for all applicants, doubling the "origination fee" to 10 percent and barring about 600,000 graduate students from the program. The administration may renew its push for further cutbacks when Congress votes to finance these programs after the election.

With the national program so uncertain, the William Mitchell administration is investigating alternative loan programs.

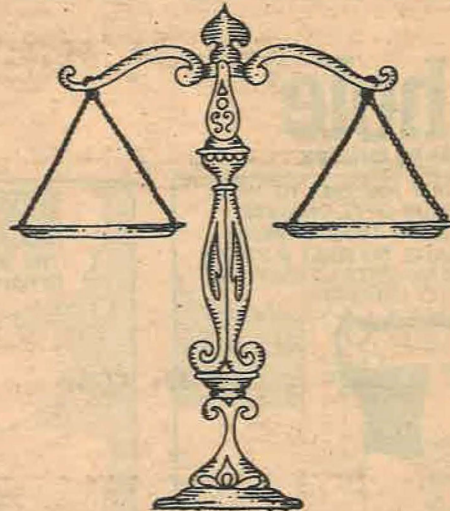
"The school has made student aid a priority," Riehm said.

*I know one thing for sure, the next study group I join will be a little more tolerant of opposing points of view.*



The Opinion welcomes letters to the editor. It will present the views of any student, faculty member, alumnus or administrator. Because of space limitations all copy is subject to editorial review. Turn in letters typed and double-spaced, including your name and position, to The Opinion mailbox in the communications center.

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# Football League gets off to early start

By John Guzik

The William Mitchell Football League (WMFL) has gotten off to one of its earliest starts in the past several years. Under the guidance of League Commissioner John Mallone and Tom Grundhoefer, play in the seven-man, touch-football program began September 11. Sixteen teams comprise this year's WMFL, with over one hundred and seventy-five William Mitchell students and alumni participating.

The games are played on Saturday mornings at 9:00, 10:00, and 11:00 o'clock on the University of Minnesota's Bierman fields on the East Bank of the University Campus.

WMFL Commissioner Malone downplayed the likelihood of a player strike this year, noting that "Most contract disputes were settled in the off season after management agreed to turn over 100% of the gate receipts to the players' union." When queried as to an average paid attendance for a typical Saturday,

the Commissioner responded, "No comment."

Assistant League Commissioner Tom Grundhoefer predicted a close race for this year's Championship Title. Second year team Dreadlocks and fourth year team Class Action are currently tied for first place with perfect 5-0 records. While Dreadlocks has looked impressive in their early outings, Grundhoefer remarked, "it will be interesting to see if they can keep their poise for the rest of the schedule. Most younger teams have a tendency to fall apart when the pressure is on."

Class Action has also looked impressive in its first five outings. Quarterback Jim Lampi, with his impromptu scrambling and strong throwing arm, has been instrumental in the team's success so far. Class Action defeated last year's Champion, Team Drenttal in a closely fought 19-12 thriller. Class Action wide receiver Dennis Atchison noted that Team Drenttal was a tough opponent, and then mentioned, "And I believe they actually have two or three Mitchell students on

the team."

At any rate, with a 4-1 record, Team Drenttal is definitely in contention for the title, and a team to be reckoned with.

U.F.A., 3-1, the Left Guards, 3-2, W.M.O. 3-2, and J.L.O. also 3-2 are all viable contenders for the title who promise to keep the race an interesting one.

With a 3-2 record, the once mighty J.L.O. (League Champs in 1978, 1979, 1980 and runners up in 1981), have so far had a disappointing year. Insiders believe that age and injuries may have finally caught up with the mostly alumni team.

The WMFL is completely organized and run by students. In addition to a \$20 per team entry fee, the Student Bar Association this year has provided funds to help defray the field rental cost and to allow the purchase of marker cones, pull-over jerseys, referee equipment and three new footballs. (See SBA Budget page)

While the NFL may be out on strike, there is certainly no lack of football action nor enthusiasm, as far as the WMFL is concerned.



UFA puts a big rush on Class Action quarterback Jim Lampi.



Left Guard's Phil Prokopowicz stretches to put the tag on WMO's Tom Grundhoefer. Who went on to win 10 to 8 after a deep strike.

## WMFL STANDINGS AS OF OCTOBER 12, 1982

TEAM	RECORD	
	W	L
1. Class Action	5	0
1. Dreadlocks	5	0
3. Team Drentel	4	1
4. U.F.A.	3	1
5. W.M.O.	3	2
5. J.L.O.	3	2
5. Left Guards	3	2
8. Boys Briefs	2	3
8. Maynard's Mighty Warriors	2	3
8. No Names Yet	2	3
8. Without Redeeming Social Value	2	3
8. The Felchers	2	3
13. Objections	1	3
13. Double Refusal	1	4
13. Well Hung Jury	1	4
16. Civil Pros	0	5

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